

IN THE HIGH COURT OF ORISSA AT CUTTACK

ABLAPL No.8567 of 2022

Sk. Morajit & another

....

Petitioners

Mr. Samir Kumar Mishra, Advocate

-versus-

State of Odisha

....

Opposite Party

Mr. Shashank Patra, A.S.C.

CORAM:

JUSTICE A.K.MOHAPATRA

ORDER

29.07.2022

Order No.

01. 1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioners and learned Addl. Standing Counsel for the State.
3. This is an application under Section 438, Cr.P.C. filed by the Petitioners for anticipatory bail, involving offence punishable under Sections 379/411/34, I.P.C. read with Section 7 of Orissa Prevention of Cow Slaughter Act, 1960 and Section 11 of Prevention of Cruelty to Animals Act (PCA) 1990 (1934 AD).
4. Learned counsel for the Petitioners submits that the Petitioners were not present at the spot. One Sk. Rabani of Thakurmunda was carrying cattle in a truck, and that truck was intercepted by the police. He further submits that the Petitioners had no knowledge about such illegal transportation.

5. Considering the nature of allegation, gravity of the offence and facts of the case, although I am not inclined to grant anticipatory bail to the Petitioners, however it is observed that, in the event the Petitioners surrender before the learned S.D.J.M., Anandpur in G.R. Case No.169 of 2022 corresponding to Anandpur P.S. Case No.176 of 2022 within a period of three weeks from today, the Petitioners shall be released on bail on such terms and conditions as the learned Magistrate may deem just and proper in the facts and circumstances of the case, but subject to verification of Criminal Antecedents of the Petitioner. If it is found that the Petitioners are having more than two Criminal Antecedents of similar nature, then this bail order shall not be given effect to.

6. The ABLAPL is disposed of accordingly.

7. Urgent certified copy of this order be granted as per rules.

(A.K. Mohapatra)
Judge